

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 9

In the Matter of)	ORDER
)	
William Taylor D/B/A)	
Rainbow Rancho Flying Service,)	Docket No. 84-18
)	
Respondent.)	
)	
Proceeding Under Section)	
106(a) of the Comprehensive)	
Environmental Response,)	
Compensation and Liability Act)	
of 1980 (42 U.S.C. §9606(a)))	

I

JURISDICTION

The following Order is issued on this date to Rainbow Rancho Flying Service, Buckeye, Arizona ("Respondent") pursuant to the authority vested in the President of the United States by §106(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), 42 U.S.C. §9601 et seq., delegated to the Administrator of the United States Environmental Protection Agency (EPA) by Executive Order Number 12316 (August 20, 1981, 46 FR 42237), and redelegated to the Regional Administrator, EPA, Region 9. Notice of the issuance of this Order has been given to the State of Arizona.

II

FINDINGS OF FACT

1. The site is a 12-acre area near 51st Avenue and Estrella Drive on the Gila River Indian Reservation near Laveen, Arizona that encompasses an abandoned pesticide applicator airstrip, residences for 19 people, and several areas identified as contaminated with pesticides.
2. The site is a facility as defined by CERCLA §101(9), 42 U.S.C. §9601(9).
3. On August 7, 1984 EPA representative Stephen A. Johnson spoke with Dave Hudson of Hudson Farms, Inc. who provided the following information.
 - A. Respondent operated the site from the 1960s to 1978 as base of operations for aerial pesticide application.
 - B. In 1978, Respondent closed its facilities on the site. During this closure operation, Respondent dug a pit at the site where Respondent disposed of pesticide containers. Some of the containers still contained pesticide residues.
4. On May 17, 1984, Charles Moses, Pesticide Control Officer, Gila River Indian Community, inspected the site in response to complaints from site residents regarding odors and health effects which they attributed to pesticide contamination of the area. Moses documented the following observations.
 - A. Strong odors, characteristic of pesticides, were present.
 - B. The soil within 30 feet of a residence was stained. The stains were indicative of pesticide spills.
 - C. In addition to the stained soil area, there was a pesticide container disposal area at the site that contained 50 to

100 empty 5 gallon cans. Product labels, still attached to several cans, specified Azodrin, Toxaphene, Methyl Parathion 6-3 E, Lannate L, DEF 6, Ambush, Bolstar 6, and Furadan.

5. During the inspection, Moses collected two soil samples: one from the stained soil near the residence, and the other from a pile of stained soil. The sample analysis results, reported in parts per million (ppm), are listed below.

<u>Compound</u>	<u>Stained Soil</u>	<u>Stained Soil Pile</u>
methyl parathion	59.6	364
ethyl parathion	4086	1894
toxaphene	9100	7500
DEF	3.0	182

6. Methyl parathion, ethyl parathion, and toxaphene are hazardous substances as defined by CERCLA §101(14), 42 U.S.C. §9601(14).
7. Ethyl parathion and methyl parathion are highly toxic compounds capable of causing death or permanent injury due to exposures associated with normal use. Parathion toxicity is high for all major routes of entry: inhalation, ingestion, and dermal contact. Experimental data show that parathions are teratogenic and carcinogenic. Chronic exposure to parathions produces dangerously low levels of cholinesterase, increasing an organism's sensitivity to further low-level exposure.
8. Toxaphene is highly toxic when ingested, capable of causing death through respiratory failure, and moderately toxic via dermal contact or inhalation. Toxaphene causes diffuse stimulation of the brain and spinal cord resulting in generalized convulsions of a tonic or clonic character. Toxaphene is an

experimental carcinogen.

9. On July 27, 1984, EPA's Technical Assistance Team conducted a preliminary assessment of the site. Based on this assessment and the findings cited above, the Regional Administrator of EPA Region IX determined on July 31 that the site presented an immediate and significant risk of harm to human life, or health, or to the environment and authorized spending \$102,411 of CERCLA funds to temporarily relocate site residents, assess the nature and extent of the contamination, and clean the site. EPA completed the relocation project on August 9.

III

DETERMINATION

Based upon the foregoing Findings of Fact, the Regional Administrator has determined that hazardous substances have been used at the facility and that the release of such substances from the facility may present an imminent and substantial endangerment to the public health or welfare or the environment.

The Regional Administrator has further determined that Respondent is a past operator responsible for conducting the actions ordered herein, which are necessary to abate the endangerment to public health and the environment.

IV

ORDER

Based upon the foregoing Determination and Findings of Fact, Respondent is ordered and directed, pursuant to §106(a) of CERCLA, 42 U.S.C. §9606 et seq., to (I) prepare and submit to EPA within one week of receiving this Order a written proposal for work ("Proposal") to characterize and mitigate the hazard posed by the

site and assume financial responsibility for the temporary housing for relocated residents, and (II) implement the Proposal after receiving EPA approval of same. The Proposal shall briefly outline future work which shall be divided into two phases: site characterization and site clean-up. The Proposal shall include the following:

1. A Phase I plan for characterizing the nature and extent of the contamination. This plan shall identify all areas to be sampled, the approximate number of samples, the location and depth of samples, and the sample analysis parameters. This plan shall include off-site sampling to characterize background levels of the contaminants. This plan shall also include a site safety plan and provisions for retaining, identifying, maintaining and submitting to EPA upon request, splits of all samples taken pursuant to this Order.
2. A Phase II plan to clean up the site to background levels of contamination as determined in Phase I. This plan shall include a description of potential clean-up procedures and monitoring mechanisms. This plan shall also include provisions for satisfying all requirements for transporting and disposing of hazardous substances in an authorized hazardous waste disposal facility.
3. Provisions for subsequent submittal of workplans describing Phase I and Phase II work in detail.
4. A schedule which identifies all submittal dates, review periods, and implementation deadlines.
5. Provisions for assuming financial responsibility for the temporary housing for relocated residents.

All samples shall be collected, preserved, packaged, shipped, handled, and prepared for analysis according to the protocols specified by the EPA On-Scene Coordinator. All sample handling shall be performed according to the chain of custody procedures specified by the OSC. Any samples analyzed pursuant to this Order shall be analyzed according to EPA-approved analytical methods.

Respondent shall assume full responsibility for any claims arising from the activities conducted by Respondent or his representatives or consultants in connection with this Order. Respondent shall provide access to the site for EPA employees, contractors, or consultants at all reasonable times and shall permit such persons to be present and move freely in the area where any work is being conducted pursuant to this Order.

Robert Mullinaux of the EPA has been designated the On-Scene Coordinator and has the authority vested by 40 CFR §300 et seq., published at 47 FR Part 31180 (July 16, 1982).

Respondent shall submit the Proposal to the EPA contact person named below within seven calendar days of receipt of this Order.

V

OPPORTUNITY TO CONFER--EFFECTIVE DATE

Under the provisions of CERCLA, Respondent may request a conference to be held at any time before submitting the Proposal to discuss the Order, its applicability, the correctness of any factual determinations upon which the Order is based, the appropriateness of any action which Respondent is ordered to take, and any other relevant or material issue. Such request may be made orally, but must be confirmed in writing. At any conference held

at Respondent's request, Respondent may appear in person, with counsel or other representatives for the purpose of presenting any objections, defenses or contentions which Respondent may have regarding this Order.

This Order is effective immediately upon receipt of same by Respondent.

VI

LIABILITY

If the OSC determines that Respondent is not complying with the terms of this Order, or that Respondent is not proceeding with work in a timely manner, or that Respondent's activities pose an imminent and substantial endangerment to the public health or welfare or the environment, the OSC may halt Respondent's activities and initiate a federal clean-up of the facility. Respondent may then be ordered to reimburse EPA for the costs of such activity pursuant to §107(c) of CERCLA, 42 U.S.C. §9607(c).

Respondent is advised that willful violation or failure or refusal to comply with this Order, or any portion hereof, may subject Respondent to civil penalties of not more than \$5,000 for each day in which violation occurs or such failure to comply continues, in accordance with §106(b) of CERCLA. Failure to comply with this Order, or any portion hereof, without sufficient cause, may also subject you to liability for punitive damages in the amount of three times the total of all costs incurred by the

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government as a result of your failure to take proper action in accordance with §107(c) of CERCLA.

It is so ordered on this ____ day of August, 1984.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

BY: _____

JUDITH E. AYRES
REGIONAL ADMINISTRATOR, REGION IX

Contact person:

Stephen A. Johnson (T-4-2)
Environmental Protection Agency
215 Fremont Street
San Francisco, California 94105
Telephone: (415) 974-7512

After hours call the Duty
Officer at (415) 974-8131